




## STAFF REPORT AND RECOMMENDATION

**TO:** City Council

**STAFF REPORT DATE:** Tuesday, November 6, 2012

**STAFF:** Steven Sparks, AICP, Principal Planner 

**SUBJECT:** TA2012-0005 (Section 20.20.40.4 Clarification)

**REQUEST:** The City is proposing to amend Development Code Section 20.20.40.4 to add a notation that a future Traffic Impact Analyses for development within the SC-S (Station Community - Sunset) zoning district includes the potential impact and transportation needs for the minimum residential development requirement of 1,899 dwelling units.

**APPLICANT:** City of Beaverton - Planning Division

**APPLICABLE CRITERIA:** Development Code Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

**HEARING DATE:** Tuesday, November 13, 2012

**RECOMMENDATION:** Staff recommend the City Council review and approve the draft text amendment contained in TA 2012-0005 (Section 20.20.40.4 Clarification) and direct staff to prepare and ordinance for first reading.

### 1. Summary of Proposed Text Amendment

The Oregon Land Use Board of Appeals (LUBA) has remanded a portion of Ordinance 4580 to the City for additional consideration and potential amendment. A specific request of LUBA was for the City to consider an amendment to the Development Code to "make clear that the transportation capacity necessary to serve any undeveloped 1,899 residential units must be accounted for and preserved in any PUD applications for approval of non-residential development" in the SC-S (Station Community - Sunset) zoning district. The proposed amendment is intended to provide the requested clarity and will apply to Section 20.20.40.4 of the Development Code.

### 2. Proposed Amendment

Staff recommend that the City Council consider the following text amendment in response to the LUBA order with the highlighted text indicating new text:



"20.20.40.4.

[ORD 4578; March 2012] An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate, that the application complies with the Traffic Impact Analysis required by Section 60.55.20., associated with the effective Conditional Use Permit - PUD (Planned Unit Development) as to all property within the SC-S zoning district. Prior to approval for development of the minimum 1,899 dwelling units required by Section 20.20.40.2. of this Code, the TIA shall account for all vehicle trips associated with the minimum 1,899 dwelling units as existing conditions, whether or not the units have been approved or developed. Subsequent to approval of the minimum amount of dwellings in the district, the TIA shall account for actual existing conditions. In either case, vehicle trips associated with proposed non-residential development within the SC-S zone are additional to the existing conditions. The TIA shall identify appropriate measures to mitigate on-site and off-site deficiencies for all phases of the proposed development and demonstrate how the recommended mitigation is roughly proportional to the identified impacts created by the additional vehicle trips to be generated by the proposed development."

The proposed text amendment generally restates the Traffic Impact Analysis (TIA) requirements contained in Section 60.55.20 of the Code. The intent of this text is not to replace or otherwise modify the text of 60.55.20 but rather provide assurance that the development of the lands within the SC-S zoning district will address traffic issues within the area. Section 60.55.20 will remain the governing text for the preparation of TIAs. Section 60.55.20.4.E.5 already requires consideration of "other capacity issues" such as the transportation capacity that must be preserved for the minimum number of residential dwelling units required in the SC-S zone.

The Development Code requires that the future development of the SC-S zone will require the submission and approval of a Planned Unit Development (PUD) application. Included in the PUD application will be the requirement that the overall development within the SC-S zoning district include the development of a minimum of 1,899 dwelling units. The dwelling unit total is in addition to any non-residential development within the SC-S zoning district.

The future PUD, and potentially other land use applications such as Design Review Three for new structures, will require the preparation of a TIA pursuant to Section 60.55.20. The TIA will be required to assess the vehicle trip generation rates of all development, including the required 1,899 dwelling units, that is proposed within the SC-S zoning district. The TIA will identify potential impacts to the street system and the necessary mitigation measures to those impacts. The land use process can include conditions of approval that require mitigation measures proportional to the additional impact created by the specific development.

Community and LUBA concern that non-residential development that may occur within the SC-S zoning district will consume all transportation capacity within the street system of the area is addressed by the proposed amendment. Any future development proposal must determine the capacity of the transportation system after taking into account the potential transportation impacts associated with the required 1,899 dwelling units.



### **3. Facts and Findings**

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2012-0005 (Section 20.20.40.4 Clarification):

#### ***Development Code Approval Criteria***

***1. The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2012-0005 proposes to amend Development Code Section 20.20.40.4, as shown in Exhibit 1. Therefore, staff find that approval criterion one has been met.

***2. All City application fees related to the application under consideration by the decision-making authority have been submitted.***

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

***3. The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.***

Metro's Urban Growth Management Functional Plan (UGMFP) is the document that defines how local governments are to implement the Metro Regional Goals and Objectives. Title 1 of the UGMFP addresses density expectations and the total number of housing units and jobs each jurisdiction is expected to accommodate. The City has, through a separate ordinance process, established that the SC-S zoning district will accommodate a minimum of 1,899 dwelling units. This proposed amendment will not modify that total dwelling unit expectation. The proposed amendment clarifies the expectation that future traffic impact analyses will include the development of 1,899 dwelling units within the SC-S zoning district in addition to any other non-residential development. No other titles of the UGMFP are applicable to this amendment. Therefore, staff find that approval criterion three has been met.

***4. The proposed text amendment is consistent with the City's Comprehensive Plan.***

Staff find that Comprehensive Plan Policy 6.2.1.a applies to this proposal:

*6.2.1.a Maintain the livability of Beaverton through proper location and design of transportation facilities.*

One of the actions to implement this policy is to "continue to require design plans and impact analyses for transportation facilities as specified in the Development Code. The proposed amendment will continue to require TIAs for new development within the SC-S zoning district, thus complying with this policy statement and the Comprehensive Plan. Approval criterion four has been met.

**5. *The proposed text amendment is consistent with other provisions within the City's Development Code.***

The proposed amendment is redundant to Section 60.55.20 of the Development Code and is not intended to replace or modify Section 60.55.20. The intent of the amendment is to provide assurance that the development of the lands within the SC-S zoning district will address traffic issues within the area. Section 60.55.20 will remain the governing text for the preparation of TIAs. The proposed amendment does not create conflicts with other provisions of the Development Code. Therefore, staff find that the approval criterion has been met.

**6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.***

Staff has not identified any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendment. Therefore, staff find that approval criterion six has been met.

**7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.***

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven has been met.

***Other applicable approval criteria***

As a post-acknowledgement amendment to the City's Development Code, the proposed text amendment is subject to ORS 197.175(1), which requires that the City demonstrate that the proposed text amendment be consistent with the relevant Statewide Planning Goals. Staff find that none of the Statewide Planning goals apply to this proposed amendment. The amendment will restate a requirement that currently exists within the Development Code that Traffic Impact Analyses (TIA) are required for new development within the City. This amendment makes specific note that the future TIA(s) will need to account for the development of a minimum of 1,899 dwelling units within the SC-S zoning district. Therefore, staff find that the Statewide Planning Goals are not applicable to the proposed text amendment.



#### 4. Conclusions

Based on the facts and findings presented, staff conclude that the proposed amendment to the Development Code is consistent with all the text amendment approval criteria of Section 40.85.15.1.C.1-7.

#### 5. Staff Recommendation(s)

Staff offers the following recommendation for the conduct of the November 13, 2012 public hearing for TA 2012-0005 (Section 20.20.40.4 Clarification):

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Council or the public.
- C. Move to **APPROVE** text amendment application TA 2012-0005 (Section 20.20.40.4. Clarification) by directing staff to prepare an ordinance for first reading.

#### 6. Exhibits

Exhibit 1      Proposed Text Amendment

## EXHIBIT 1

**Section 1: The Development Code, Ordinance No. 2050, Chapter 20 - Land Uses, Section 20.20.40.4 will be amended to read as follows with new text indicated in highlight:**

20.20.40.

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4. [ORD 4578; March 2012] An applicant for a land use approval, other than a Sign Application, for any and all property within the SC-S zoning district shall demonstrate, that the application complies with the Traffic Impact Analysis required by Section 60.55.20., associated with the effective Conditional Use Permit - PUD (Planned Unit Development) as to all property within the SC-S zoning district. Prior to approval for development of the minimum 1,899 dwelling units required by Section 20.20.40.2. of this Code, the TIA shall account for all vehicle trips associated with the minimum 1,899 dwelling units as existing conditions, whether or not the units have been approved or developed. Subsequent to approval of the minimum amount of dwellings in the district, the TIA shall account for actual existing conditions. In either case, vehicle trips associated with proposed non-residential development within the SC-S zone are additional to the existing conditions. The TIA shall identify appropriate measures to mitigate on-site and off-site deficiencies for all phases of the proposed development and demonstrate how the recommended mitigation is roughly proportional to the identified impacts created by the additional vehicle trips to be generated by the proposed development.

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